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10/569,028

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Sotiris Theodorakakis

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EXAMINER

SPAHN, GAY

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/569,028	<b>Applicant(s)</b> THEODORAKAKIS, SOTIRIS	
	<b>Examiner</b> Gay Ann Spahn	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>21 February 2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 21 February 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Drawings***

The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

### ***Specification***

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

### **Content of Specification**

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.

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- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.
- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
  - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
  - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

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- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.
- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing. See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

The disclosure is objected to because of the following informalities:

(1) headings, as noted in the "Arrangement of the Specification" and "Content of Specification" above, must be inserted in the specification at the appropriate places;

(2) page 1, lines 1 and 2, the Title of the Invention must be of the same size font as the text of the specification;

(3) a substitute specification must be filed which is preferably double-spaced in accordance with 37 CFR 1.52(b)(2)(i);

(4) page 4, line 28, the words "ON LINE" should not be capitalized;

(5) page 5, line 7, the words "future televisions" should not be bolded;

(6) page 6, line 9, the words "future computers" should not be bolded; and

(7) page 6, line 26, the words "future stores" should not be bolded.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Since many examiners use the title of the invention for searching purposes, the examiner suggests that Applicant amend the title of the invention to one that is clearly indicative of the patentable feature of the invention. However, should Applicant choose not to amend the title of the invention, the examiner will amend the title of the invention at the time of allowance, if any (pursuant to the Manual of Patent Examining Procedure (MPEP) § 606.01, wherein it states that "[i]f a satisfactory title is not supplied by the applicant, the examiner may, at the time of allowance, change the title by examiner's amendment.").

### ***Claim Objections***

Claim 1-3 are objected to because of the following informalities:

(1) according to the Manual of Patent Examining Procedure (MPEP), § 608.01(m), entitled "Form of Claims", "[w]hile there is no set statutory form for claims, the present Office practice is to insist that each claim must be the object of a sentence starting with 'I (or we) claim,' 'The invention claimed is' (or the equivalent)" and therefore, the centered "CLAIMS" at the top of page 8 should be changed to "I claim:" or "The invention claimed is:" or similar;

(2) claims 1-3 must be amended so that each is only a single sentence beginning with a capital letter and ending with a period in accordance with MPEP § 608.01(m);

(3) claims 1-3 are in improper method claim format as failing to recite steps (i.e., words beginning with a gerund or -ing word);

(3) claim 1, line 3, the words "the future or 3d televisions" cannot be bolded;

(4) claim 1, lines 4-5, the parentheses in "(or any other figure )" must be deleted;

(5) claim 2, line 8, the word "Internet" cannot be capitalized, "tv" should be changed to --TV-- as it is an abbreviation, and "prorate" should be changed to --prorated--;

(6) claim 2, line 12, the word "from" cannot be capitalized and it is believed the word "phial" should be changed to --file--; and

(7) claim 3, line 3, the recitation of "the first claim" must be changed to --claim 1--.

Appropriate correction is required.



***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

**Claim 1**, line 3, the recitation of “the future or 3d televisions” constitutes new matter because the original disclosure does not support that “3d televisions” are equivalent with “future televisions.”

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claim 1**, line 3, the recitation of “the future or 3d televisions” is vague, indefinite, and confusing as not being understood since the term “future or 3d television” has not been defined in the specification.

**Claim 1**, lines 3-4, the recitation of “that will be used at home or in exterior area” is vague, indefinite, and confusing as not being understood because it is not clear how the “at home” or in exterior area” relates to “rooms with multimedia equipment” being constructed by the construction method.

**Claim 1**, lines 4-5, the recitation of “a cube form (or any other figure )” is vague, indefinite, and confusing as not being understood because it is not clear what shape is being claimed for the “future or 3d televisions.”

**Claim 1**, line 5, the recitation of “with approximations in some points, for better view” is vague, indefinite, and confusing as not being understood because it is not clear what “approximations in some points” means or what it is modifying and for better view of what?

**Claim 1**, lines 5-6, the recitation of “the surface of the cube will be covered with screens” is vague, indefinite, and confusing as not being understood because it is not clear what kinds of screens are being claimed? Television screens?

**Claim 1**, lines 6-8, the recitation of “and in the area there will be a portable armchair, computer, speaker, two cameras, air condition and a system of air freshening” is vague, indefinite, and confusing as not being understood because it is not clear what area is being referred to. Also, should “air condition” be “air conditioner”? And, what is a system of air freshening? Isn’t an air conditioner a system of air freshening so that the same thing is being recited twice?

**Claim 1**, lines 8-11, the recitation of “[w]ith the existence of screens in all surfaces and with the cooperation of the computer, there will be a presentation and a

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simulation of whatever picture we want” is vague, indefinite, and confusing as not being understood because it is not clear what surfaces the screens are in, it is not clear how the computer cooperates, and what is meant by “presentation” and “simulation?”

**Claim 2**, lines 3-4, the recitation of “will use for image view of the countryside, views of the sky in bob, of the grass in floor, left the forest, right the valley” is vague, indefinite, and confusing as not being understood. What is meant by “views of the sky in bob,” “the grass in floor,” “left the forest,” and “right the valley?”

**Claim 2**, lines 5-6, the recitation of “a computer will present the pictures, which will be static or moving, in order to create the feeling of movement” is vague, indefinite, and confusing as not being understood. The recitation of “a computer” lacks antecedent basis because it is not clear if this is meant to refer back to the computer introduced in claim 1 or be in addition to the computer introduced in claim 1. How can a static picture present the feeling of movement?

**Claim 2**, lines 6-8, the recitation of “the computer will have these images or will receive them via DVD, internet, TV or satellite signals” is vague, indefinite, and confusing as not being understood. What is meant by the computer will have these images? Have them stored and if so, where? How with the computer get the images from DVD, internet, TV, or satellite signals? If this is meant to be a Markush grouping, it should be changed to be close-ended instead of open-ended (i.e., --the images can be selected from the group consisting of DVD, internet, TV, and satellite signals--).

**Claim 2**, lines 8-10, the recitation of “the images will be prorated and synchronized in each place so as to create a full simulation of the space” is vague, indefinite, and

confusing as not being understood. How will the images be “prorated and synchronized” and how will this “create a full simulation of the space?”

**Claim 2**, lines 10-14, the recitation of “[t]he use of the system is very important as someone can see movies, games, theatricals, sport games, shopping from commercially store in cube from a file connected with the computer the room will smell nicely according to the images that are present” is vague, indefinite, and confusing as not being understood.

**Claim 3**, lines 3-5, the recitation of “will use systems that can be placed to private or to public area for usage from companies, in order to help the customer to make confessions, to meet people as he wants” is vague, indefinite, and confusing as not being understood. How can systems be placed to private or to public area? How are these private or public areas related to the room to be constructed by the construction method?

**Claim 3**, lines 6-9, the recitation of “one camera will record the data and will transform them to a central computer in which the data will be controlled and then they will return to the initial place so as to be seen” is vague, indefinite, and confusing as not being understood. The recitation of “a central computer” lacks antecedent basis because it is not known if this is the same computer as recited in claim 1 or is an additional computer being recited. How can a camera record data? How can a camera transform “them” (i.e., the data?) to a computer? What is being returned to the initial place so as to be seen?

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over NOSE ET AL. (U.S. Patent Application Publication No. 2002/0045954) in view of FLORES ET AL. (U.S. Patent Application Publication No. 2005/0083403) and PELTZ (U.S. Patent No. 6,205,716).**

**As to claim 1,** NOSE ET AL. disclose the construction method of rooms (10 in Fig. 1) with multimedia equipment for meditation and other similar activities (the structure of NOSE ET AL. is capable of performing the intended use of meditation or other similar activities) has the characteristic that

the future or 3d televisions (47) that will be used at home or in exterior area, will have a cube form or any other figure (display 47 is rectangular) with approximations in some points, for better view;

in the area there will be a portable armchair (31), computer (25, 26), speaker (41a-41d), air conditioner (air handling unit 45) and a system of air freshening (fragrance generator 49);

with the cooperation of the computer (25, 26), there will be a presentation and a simulation of whatever picture we want.

NOSE ET AL. fail to explicitly disclose that the surface of the cube (or presumably the “any other figure” recited) will be covered with screens and two cameras.

FLORES ET AL. discloses a surface (20C in Fig. 4) covered with screens (22C, 22C, 22C; see paragraph no. [0031] wherein it states that the display screens 22c are preferably television screens).

PELTZ discloses a room with multimedia equipment includes cameras (15, 27) for video conferencing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the construction method of rooms of NOSE ET AL. by: (1) making the displays screen (47) thereof be cube form or other figure so that all of the cube/other figure surfaces are covered with television screens as taught by FLORES ET AL. in order to make the televisions more visible from all areas of the room; and (2) including cameras as taught be PELTZ in order to be able to perform video conferencing.

**As to claim 2,** NOSE ET AL. in view of FLORES ET AL. and PELTZ disclose the construction method of claim 1 as discussed above, and the resulting construction method from the combination of NOSE ET AL. in view of FLORES ET AL. and PELTZ also disclose that will use for image view of the countryside, views of the sky in bob, of the grass in floor, left the forest, right the valley; a computer (25, 26 in NOSE ET AL.) will present the pictures, which will be static or moving, in order to create the feeling of movement; the computer (25, 26 in NOSE ET AL.) will have these images or will receive

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them via DVD, internet, TV or satellite signals; the images will be prorated and synchronized in each place so as to create a full simulation of the space; the use of the system is very important as someone can see movies, games, theatricals, sport games, shopping from commercially store in cube from a file connected with the computer (25, 26 in NOSE ET AL.) the room will smell nicely (fragrance generator 49 in NOSE ET AL.) according to the images that are presented.

**As to claim 3,** NOSE ET AL. in view of FLORES ET AL. and PELTZ discloses the construction method of claim 1 as discussed above, and the resulting construction method from the combination of NOSE ET AL. in view of FLORES ET AL. and PELTZ also discloses that will use systems that can be placed to private or to public area for usage from companies, in order to help the customer to make confessions, to meet people as he wants; one camera (15, 27 in PELTZ) will record the data and will transform them to a central computer (25, 26 in NOSE ET AL.) in which the data will be controlled and then they will return to the initial place so as to be seen.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gay Ann Spahn whose telephone number is (571)-272-7731. The examiner can normally be reached on Monday through Friday, 10:30 am to 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on (571)-272-6777. The fax phone

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number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gay Ann Spahn/  
Gay Ann Spahn, Patent Examiner  
February 2, 2008